



Town of Brookline

Massachusetts

BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2210 Fax (617) 730-2248
Patrick J. Ward, Secretary

Town of Brookline
Board of Appeals
Case # BOA060026

Petitioner, Dr. Raymond T. Chung & Dr. Diane R. Abraczinskas, husband and wife, owner of a single family dwelling at 59 Bellingham Road, applied to the Building Commissioner for permission for construction of an addition, including renovating the garage and modifying the configuration of the driveway to accommodate side-by-side vehicles. The first floor addition includes a mudroom connection to the garage and a family room. The second floor addition includes a new master bedroom, master bathroom and an extension of an existing bedroom. A basement foundation below the addition provides a walkout door; the basement will include a finished bathroom and playroom. The new construction will create an additional 957 s.f. of finished space to the property. The Building Commission denied the requested permit due to requiring either a variance or special permit from the Board of Appeals pursuant to Section 5.09.2.J, Section 5.20, Section 5.22 3 b.1.c, Section 5.43, Section 5.60, Section 5.61, Section 6.04.4.c, Section 6.04.4.5.c.1, Section 6.04.5.c.2, and Section 8.02.2 of the Zoning By-Law. Petitioner then filed this appeal.

The Board fixed the date of June 15, 2006 at 7:30 pm in the Selectman's Hearing Room on the six floor of Town Hall as the time and place of a hearing of appeal. Notice of the hearing was mailed to the petitioner and their agents, to owners of properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on June 1, 2006 and June 8, 2006 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows:

LEGAL NOTICE
TOWN OF BROOKLINE
MASSACHSETTS
BOARD OF APPEAL
NOTICE OF HEARING

PETITIONER: Raymond T. & Abraczinskas D. R. Chung
LOCATION OF PREMISES: 59 Bellingham Road
DATE AND PLACE OF HEARING: 6/15/06
TIME OF HEARTING 7:30 pm
PLACE OF HEARING: Selectman's Hearing Room 6th. floor

A public hearing will be held for variance and/or special permit from
1) 5.09.2.j; Design Review, Special Permit Required
5.20; Floor Area Ratio, Variance Required
5.22 3 a.3; Exceptions to Floor Area Ratio Regulations for Residential Units, Special
Permit Required
5.43; Exceptions to Yard and Setbacks Regulations, Special Permit Required
5.60; Side Yard Requirements, Variance Required
5.61 Projections into Side Yards, Variance Required
For the Design of All off Street Parking Facilities
6.04.4.C, Variance Required
6.04.5.c.1, Variance Required
6.04.5.c.2, Variance Required
8.02.2; Alteration or Extension, Special Permit Required

Of the Zoning Bylaw to construct an addition and to reconstruct the driveway and
parking per plans

At 59 BELLINGHAM RD BRKL

Said premises are located in a S-10 (Single Family) Residential District.

The Town of Brookline does not discriminate on the basis of disability in admission to,
access to, or operations of its programs, services, or activities. Individuals who need
auxiliary aids for effective communications in programs and services of the Town of
Brookline are invited to make their needs known to the ADA Coordinator, Stephen
Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445.
Telephone: (617) 730-2330; TDD (617) 730-2327.

Diane Gordon
Harry Miller
Bailey Silbert

At the time and place specified in the notice, this Board held a public hearing. Present were members Harry Miller, Chairman, Lawrence Kaplan and Bailey Silbert.

The Petitioner's architect, Sidney Graves, who was present with the Petitioner, outlined the proposal for the Board. Utilizing the plans and building elevations submitted with the application, Mr. Graves reviewed how the proposed 2-story addition at the back and left sides of the house will create a new back entry, a dining, and a family room at the 1st floor, and a new master bedroom & bath at the 2nd floor. Other renovations are to include a finished play room and bathroom within the existing basement, sub-division of a 2nd floor bedroom into two rooms, refurbished utilities work, and incidental renovations throughout consistent to the overall enhancement program. Roof work is required, but will not exceed the height of the present ridge. Mr. Graves noted how the left side addition extends to the existing free-standing garage structure, thereby incorporating it as an 'attached structure'.

On the street-side within the property (at essentially the same location), the driveway to the garage is re-configured to two side-by-side spaces, as opposed to the current two tandem spaces.

Mr. Graves also noted the Petitioner's objective for overall quality of exterior materials and finishes, such that the completed project will be architecturally attractive, and consistent to the scale and style of the neighborhood. To this end, new landscaping, trees and shrubbery, will be important.

The Chairman then called upon Tim Greenhill of the Brookline Planning Department to present the Planning Board Report. Mr. Greenhill stated that the Planning Board recommends approval of the requested zoning relief with the following conditions:

Prior to obtaining a building permit, the applicant shall submit to the Chief Planner, a final landscaping plan and final elevations, for review and approval.

Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: a) a final site plan, stamped and signed by a registered engineer or land surveyor, b) final building elevations stamped by an architect, and c) a recorded copy of the Board of Appeals decision.

The Chairman then called upon Frank Hitchcock of the Brookline Building Department. Mr. Hitchcock stated that the Building Department had no objections to the applicant's proposal.

The Board, having heard all testimony, and after review of the plans submitted by the Petitioner dated 3/10/06, and having determined that the conditions of Section 9.05 of Zoning By-Law have been met, voted unanimously to grant a special permit under Section 5.43 for relief from the side yard setback requirement of the Zoning By-Law and

under Section 5.22.3.b.1.c for an increase in floor area, and Section 5.09.2.J for design review, subject to the following conditions:

1. Prior to obtaining a building permit, the applicant shall submit to the Chief Planner, a final landscaping plan and final elevations, for review and approval.
2. Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: a) a final site plan, stamped and signed by a registered engineer or land surveyor, b) final building elevations stamped by an architect, and c) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous decision of
The Board of Appeals

Date of Filing: September 20, 2006

A true copy

ATTEST:

Patrick J. Ward, Clerk
Board of Appeals


Harry S. Miller, Chairman

Twenty Days have elapsed and
no appeal has been filed

A True Copy:

ATTEST:


Patrick J. Ward
Town Clerk